

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

APPLIED UNDERWRITERS, INC.,  
A Nebraska Corporation, and  
APPLIED RISK SERVICES, INC.

Plaintiffs

vs.

TOP'S PERSONNEL, INC.,  
A New Jersey Corporation

Defendant

CIVIL ACTION NO: \_\_\_\_\_

**NOTICE OF REMOVAL**

Defendant, Top's Personnel, Inc. ("Top's"), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby removes this case from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska. Top's appears solely for the purpose of this removal and for no other purpose, and preserves all other defenses available to it, hereby stating as follows:

1. On or about February 3, 2015, Applied Underwriters, Inc. and Applied Risk Services, Inc. (collectively "Applied") commenced an action in the District Court of Douglas County, Nebraska against Top's, entitled *Applied Underwriters, Inc. and Applied Risk Services, Inc. v. Top's Personnel, Inc.*, Case No. CI 15 839 ("State Court Action"). A true and correct copy of the Summons and Complaint filed in the State Court Action is attached hereto as **Exhibit A**.

2. On or about February 10, 2015, Top's received a copy of the Summons and Complaint. As of today's date, Applied has not filed a Proof of Service in the State Court

Action. A true and correct copy of the docket in the State Court Action, as of today's date, is attached hereto as **Exhibit B**.

3. As demonstrated by the docket in the State Court Action, no further proceedings have taken place in the State Court Action (*see* Exhibit B).

4. Removal is timely under 28 U.S.C. § 1446(b) as fewer than thirty (30) days have passed since the date of first receipt of the Summons and Complaint by Top's. The time to answer or otherwise respond to the Complaint has not expired.

5. Removal of this action to this Court is permissible under the provisions of 28 U.S.C. § 1441 in that it is a civil action between citizens of different states.

6. The jurisdiction of this Court is invoked under 28 U.S.C. § 1332 as this matter is between citizens of different states and the amount in controversy exceeds \$75,000.

7. Upon information and belief, Applied Underwriters, Inc. is a corporation organized and existing under the laws of the State of Nebraska, with a principal place of business in the State of Nebraska.

8. Upon information and belief, Applied Risk Services, Inc. is a corporation organized and existing under the laws of the State of Nebraska, with a principal place of business in the State of Nebraska.

9. Both Applied Underwriters, Inc. and Applied Risk Services, Inc. are citizens of Nebraska.

10. Top's is a corporation organized and existing under the laws of the State of New Jersey, with a principal place of business in the State of New Jersey.

11. Top's is a citizen of New Jersey.

12. Therefore, complete diversity of citizenship exists by and between the parties.

13. This Court has jurisdiction over this civil action based upon 28 U.S.C. § 1332.

14. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal will be provided to all parties, and a copy of this Notice of Removal will be filed with the Clerk of the District Court of Douglas County, Nebraska.

**WHEREFORE**, Defendant Top's Personnel, Inc. respectfully requests that this action, now pending against it in the District Court of Douglas County, Nebraska, be removed to the United States District Court for the District of Nebraska pursuant to 28 U.S.C. § 1441.

Dated: March 11, 2015

By: 

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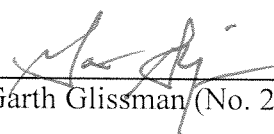
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*Attorneys for Defendant Top's Personnel, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that, on March 11, 2015, the undersigned attorney served a copy of the foregoing Notice of Removal via U.S. First Class Mail and email on the following:

Jeffrey A. Silver  
10805 Old Mill Road  
Omaha, Nebraska 68154  
Email: jeffreysilver@silver-law.net

  
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Garth Glissman (No. 24149)